



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

August 28, 2014

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

VIA CM/ECF

Hon. Norman A. Mordue  
United States District Court  
Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, New York 12207

Re: Phillips v. James (f/k/a Phillips v. LaValley)  
9:12-CV-0609 (NAM/CFH)

Dear Judge Mordue:

This office represents defendants, Terry James, Peter Boudrieau, David Martin, Richard Lee, Joanne Waldron, Jean Berggren, and Gregory Savage, in the above-referenced action.

In accordance with your text order dated August 27, 2014 (docket no. 46) and the text notice of the same date, I am writing to advise the court that the defendants consent to plaintiff's request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure (docket no. 45).

Thank you for your consideration in this matter.

Very truly yours,

Richard Lombardo  
Assistant Attorney General

RL/rl

cc: Ralph Buck Phillips  
06-B-3437  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, New York 12953  
(via regular mail)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
RALPH BUCK PHILLIPS,

DECLARATION OF SERVICE

Plaintiff,

9:12-CV-0609

-against-

NAM/CFH

T. JAMES, J. WALDRON, J. BERGGREN,  
G. SAVAGE, P. BOUDRIEAU, MARTIN, and  
R. LEE,

Defendants.

-----X

LISA M. KOLPAKAS, pursuant to 28 U.S.C. §1746, declares  
under penalty of perjury, that the following is true and  
correct:

I am over eighteen years of age and an employee in the  
office of Eric T. Schneiderman, Attorney General of the State of  
New York, attorney for defendants.

On August 28, 2014, I served defendants' letter consenting  
to plaintiff's request for voluntary dismissal upon the  
following individual, by depositing a true copy thereof,  
properly enclosed in a sealed, postpaid wrapper, in a U.S. Mail  
box in the City of Albany, a depository under the exclusive care  
and custody of the United States Postal Service, directed to the  
said individual at the address theretofore designated for that  
purpose, as follows:

Ralph Buck Phillips  
06-B-3437  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, New York 12953

I declare under penalty of perjury that the foregoing is  
true and correct.

Executed on August 28, 2014

  
\_\_\_\_\_  
LISA M. KOLPAKAS